IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 29590 of 2007(V)

PETITIONER:

JOBY K.K., S/O. K.J.KURIAKOSE,
KUNNAPPILLIL HOUSE, ARAKUZHA, MEMADANGU P.O.,
MUVATTUPUZHA - VIA, ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. MAHATMA GANDHI UNIVERSITY,
REP. BY ITS REGISTRAR, OFFICE OF THE
M.G.UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRAMPUZHA, KOTTAYAM.

2. THE REGISTRAR,
M.G.UNIVERSITY, ATHIRAMPUZHA, KOTTAYAM.

3. THE VICE CHANCELLOR,
M.G.UNIVERSITY, ATHIRAMPUZHA, KOTTAYAM.

4. THE CONTROLLER OF EXAMINATIONS,
M.G.UNIVERSITY, ATHIRAMPUZHA, KOTTAYAM.

BY SC SRI T.A.SHAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 29590 OF 2007

Dated: December 3, 2007

JUDGMENT

The prayer in this writ petition is to direct the respondents to issue the migration certificate to the petitioner to enable him to join B.Ed. course under the Kerala University. The petitioner, admittedly, obtained B.A.Degree from the Nagpur University and he was admitted for M..A. (English) in the M.G.University. On completion of the course, he was declared to have passed the examination with First Class and was issued Ext.P5 degree certificate to that effect. Exts.P6 to P9 are the mark-lists issued by the University. Despite all this, petitioner complaints that the degree certificate was not issued and that made him file this writ petition.

2. On instructions the learned Standing Counsel for the University submits that the problem was that the degree obtained by the petitioner was an unrecognised one. According to the counsel it was only on account of a mistake that was committed by the section of the University that the petitioner was admitted for M.A. He would submit that since the degree secured by the petitioner is an unrecognised one, the petitioner should not have admitted for the post-graduate course and, therefore, the University cannot be compelled to issue migration certificate.

3. I have considered these submissions. This is a case where there is no allegation that any information regarding the degree that he had, was not

disclosed by the petitioner. The University only says that it was on account of a mistake committed by them that the petitioner was admitted, despite the fact that the degree held by him was an unrecognised one.

4. In several similar cases the University has taken this plea after allowing students to complete the course. In such cases consistently this court has taken the view that after a student was admitted and completed the course, the University cannot refuse to issue certificate on the plea that the degree obtained by him was not a recognised one.

5. I can understand such a contention coming from the University in a case where the student in question has suppressed any information from the University. Even that is not the case here. Such being the situation, I am inclined to overrule the objection raised by the University and dispose of this writ petition directing that the respondent shall issue the migration certificate to the petitioner as expeditiously as possible, at any rate, within two weeks from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

mt/-